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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/697,503

Applicant(s)

ITO, NORIKO

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 and 35-38 is/are allowed.
- 6) ☒ Claim(s) 22-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 3/17/05 have been fully considered but they are not persuasive.

Applicant only asserts that the Tognazzini reference fails to disclose the present invention. Applicant does not specifically point out how limitations recited in claims are not met by teaching of Tognazzini of the record. Applicant must discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them.

With respect to claims 28-30 and 34, applicant's failure to adequately traverse the examiner's taking of Official Notice in the last Office Action is taken as an admission of the fact(s) noticed.

The rejections for claims 22-34 are sustained and are fully addressed in the following.

Claim Objections

2. Claim 27 is objected to because of the following informalities: it appears that the term "radio-broadcasting" in line 3 is typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 22-27 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Tognazzini (EP 0817414 A2).

Regarding **claim 22**, Tognazzini discloses a method of providing broadcast information, comprising the steps of:

receiving both program and advertisement broadcast information (receiving input signal 14 via receiver 16 included AM/FM radio or TV signal and advertisement – see col. 6, lines 47-52; figure 2);

extracting only the advertisement information from the program and advertisement information (extracting the advertising information from the input signal - see col. 6, lines 28-35 and 47-55);

accumulating the extracted advertisement information (for example, memory 20 and memory 22 store the extracted advertisements from the input signals, and the advertising information are accumulated, e.g., various previous advertiser messages, stored in memory 20 - see col. 7, lines 15-19; col. 7, line 54 to col. 8, line 2); and

producing at a single output (12) for an operator and according to input from the operator at least one operated-selected advertisement information that has been extracted and accumulated (for example, producing the first previous advertiser message on display 12 when user activates button 26 - see col. 7-8, lines 54-2 and figure 2).

Regarding **claim 23**, Tognazzini discloses that the user can selectively obtain the current advertiser message or the previous advertiser message by activating the buttons. The control unit 18 then controls the reproducing unit to retrieve the current advertiser message from memory 22 or the previous advertiser message from memory 20. For example, the video program and current advertiser message are displayed on the display 12, the user can request to view the previous advertiser message by activating the button 26. In response, the control unit 18 obtains the selected previous

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advertiser message and displays it on display 12 (see col. 7, line 47 to col. 8, line 2; col. 2, lines 34-47; col. 1, lines 7-10).

Regarding **claim 24**, Tognazzini discloses that the processor 6 analyses and strips the received data and obtains the advertising information. The receiving unit 16 analyses the received input signal 14 for the advertising data embedded within the input signal. That is, receiving unit 16 identifies the advertising data within the received input signal. Thus, the receiving unit recognizes an identification code allocated to the advertising information for extracting only the advertisement information from the broadcasted program and advertisement information (see col. 6, line 52 to col. 7, line 7).

Regarding **claim 25**, Tognazzini discloses that the program and advertising information are broadcasted via either radio broadcasting or television broadcasting (see col. 6, lines 28-31 and 49-52).

Regarding **claim 26**, Tognazzini discloses that the receiving unit 16 recognizes a predetermined frequency signal (e.g., a radio AM signal, a radio FM signal or a television signal) allocated to the advertisement information for extracting only the advertisement information from the broadcasted program and advertisement information (see col. 6, lines 31-35; col. 6, line 49 to col. 7, line 7).

Regarding **claim 27**, Tognazzini discloses that the program and advertising information are broadcasted via either radio broadcasting or television broadcasting (see col. 6, lines 28-31 and 49-52).

Regarding **claim 33**, Tognazzini discloses that the receiving processing unit 16 distinguishes the extracted advertisement information into both a guidance information (e.g., destination number) which corresponds to a part of the extracted advertisement and a full information (e.g., current or previous advertiser information) which corresponds to an entire of the extracted advertisement information, and the

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accumulating unit (20, 22) accumulates the guidance advertisement and the full information separately (storing the current or previous advertiser specific data and the advertiser destination number in the memory 20, 22), and the control unit (18) transfers the guidance information (e.g., destination number) to the reproducing unit to reproduce the guidance information to wait for an operator's request for reproducing the full information, before the control unit transfers the full information to the re-producing unit to re-produce the full information only when receipt of the operator's request (for example, when user activates button 25, the control unit 18 then retrieves the current advertiser information from the memory 22 which includes the telephone number of the current advertiser that has been selected. The control unit 18 then automatically dials the current advertiser's telephone number via interaction with telephone 8 – see col. 4, lines 26-38; col. 7, lines 20-44).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 28-30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini (EP 0817414 A2).

Regarding **claims 28-30**, Tognazzini discloses that the control unit 18 obtains the selected previous advertiser information for displaying or printing the advertisement information on display 12 or printer 10. Corresponding to user's request, the advertisement information is reproduced repeatedly for displaying (see col. 7, line 54 to col. 8, line 2). Tognazzini does not explicitly teach selecting the advertisement in

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accordance with a predetermined description of attribute, wherein the predetermined description is a first type attribute to reproduce the advertisement information always belonging to broadcasts of a predetermined broadcast program. Official Notice is taken that broadcasted information comprising an indicator of the advertisement to be present, channel, or program with which the advertisement is associated, and the channel on which the advertisement is to be presented is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Tognazzini by reproducing the advertisement information in accordance with the broadcasted information indicated a particular program with which the advertisement is associated in order to effectively broadcast the advertisement associated with that particular program.

Regarding claim **34**, Tognazzini discloses that the control unit 18 instructs the reproduction unit 12 to reproduce the previous advertiser information. It is noted that the control unit 18 inherently comprises a timer since it is a main central processing unit (see figures 1-2; col. 7, line 54 to col. 8, line 2 and figure 2). Tognazzini does not explicitly disclose reproducing the advertisement information when a predetermined time has passed. Official Notice is taken that presenting advertisement to the viewers in accordance with a specific time/date is well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Tognazzini by presenting advertisement to the users in accordance with a specific time/date as the advertiser desires to distribute the advertisement effectively.

7. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini (EP 0817414 A2) in view of Hejna, Jr. (US 6,598,228 B2).

Regarding **claims 31 and 32**, Tognazzini discloses that the control unit 18 obtains the selected previous advertiser information for displaying the advertisement information on display 12. Corresponding to user's request, the advertisement information is reproduced repeatedly for displaying (see col. 7, line 54 to col. 8, line 2). Tognazzini does not explicitly disclose the predetermined description of attribute is a second type attribute to reproduce the advertisement information at a predetermined normal speed until the last of the advertisement information once. However, Hejna teaches that a rule indicating rate information output during the first two or three occurrences of a commercial advertisement occurring in a series of media works received by the client device are unmodifiable (see col. 34, lines 21-34). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Tognazzini by including a rule indicated rate output the advertisement are unmodifiable as taught by Hejna in order to prevent users from speeding through the advertisement they have not seen before.

Allowable Subject Matter

8. Claims 1-21 and 35-38 are allowed.

9. The following is an examiner's statement of reasons for allowance: the closest prior art, Kitsukawa et al. (US 6,282,713 B1) teaches receiving both program and advertising data and displaying both program and advertising data if user selects an advertisement mode, and storing the advertising data for viewing later if user select a stored advertisement mode. Kitsukawa fails to teach or fairly suggest the limitations "the control unit also generating as an output reproducing instructions based on the operator input; a reproducing unit that receives as inputs the combined output from the receiving processing unit and the operator-selected advertisement information and reproducing instructions from the control unit" as recited in claim 1; "control means for fetching at

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least one selected portion of the advertisement information stored in the storage means in accordance with user input, and sending the at least one selected portion with a control signal in accordance with the user input" and "producing means for producing final outputs...as determined by the control signal from the control means" as recited in claim 35.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ngoc K. Vu', with a long horizontal flourish extending to the right.

Ngoc K. Vu
Primary Examiner
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June 20, 2005